

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

RE: INTERVIEW

The Examiner's cooperation in conducting a telephone interview on November 8, 2006, to discuss the cited references is respectfully acknowledged. In the telephone interview, the Examiner indicated that claim 1 could be clarified to distinguish over USP 3,738,669 ("Andersen et al"), but no specific agreement was reached. In addition, no agreement was reached with respect to the rejection in view of the combination of USP 6,401,398 ("Panayides et al") and USP 6,161,878 ("Atsumi et al").

RE: PRIORITY DOCUMENT

It is respectfully requested that the Examiner acknowledge receipt of the certified copy of the priority document, which was filed with the original application papers on March 15, 2004, and which is present in the Image File Wrapper of the present application.

RE: THE CLAIM AMENDMENTS

Claim 1 has been amended to make some clarifying amendments, and claims 2, 3, 7 and 8 have been amended to better accord with

amended independent claim 1. Specifically, claim 1 has been amended to more clearly recite that the waterproof member is a pipe having: (i) a hollow cross-section in a cross-section perpendicular to an axial direction of the pipe, and (ii) two terminal-end faces at opposite axial ends of the pipe.

It is respectfully submitted that the amendments to the claims are clarifying in nature only and that no new matter has been added and that no new issues have been raised which require further consideration on the merits and/or a new search.

Accordingly, it is respectfully requested that the amendments to the claims be approved and entered under 37 CFR 1.116.

It is respectfully requested, moreover, that upon allowance of claim 1, withdrawn claims 7 and 8 depending therefrom also be considered on the merits and allowed.

RE: THE PRIOR ART REJECTIONS

Claims 1 and 2 were rejected under 35 USC 102 as being anticipated by USP 3,738,669 ("Andersen et al"), and claims 1-3 were rejected under 35 USC 103 as being obvious in view of the combination of USP 6,401,398 ("Panayides et al") and USP 6,161,878 ("Atsumi et al"). These rejections, however, are respectfully traversed.

Re: Anderson et al

According to the present invention as recited in clarified amended independent claim 1, the waterproof member is a pipe having: (i) a hollow cross-section in a cross-section perpendicular to an axial direction of the pipe, and (ii) two terminal-end faces at opposite axial ends of the pipe. Thus, as more clearly recited in amended independent claim 1, the terminal-end faces of claim 1 are at opposite ends of the pipe, which has a hollow cross-section.

It is respectfully submitted that even if Andersen et al were interpreted such that seal assembly 10 as a whole is considered to be a pipe with a hollow center (in a cross-section perpendicular to a central axis of the seal assembly 10), the split line surfaces 26 and 28 of Andersen et al clearly are not at opposite axial ends of the "pipe" of Andersen et al (seal assembly 10 as a whole).

It is respectfully pointed out, moreover, the seal halves 12 and 14 of Anderson et al are not hollow (pipes), as can clearly be seen in Fig. 3 of Andersen et al, which is taken along the lines 3-3 in Fig. 1 and which shows that the members making up the seal assembly 10 Andersen et al are not hollow.

Accordingly, it is respectfully submitted that Andersen et al clearly does not disclose, teach or suggest the structure of

the present invention as recited in clarified amended independent claim 1.

Re: Panayides et al and Atsumi et al

The Examiner has again cited Panayides et al for the disclosure of a hollow seal member, but acknowledges that Panayides et al does not disclose a waterproof member that has terminal ends. For this reason, the Examiner has again cited Atsumi et al to supply the missing teachings of Panayides et al.

The Examiner asserts that Atsumi et al discloses that "split seal members provide a better seal" (page 4 of the Office Action), and for this reason the Examiner asserts that it would have been obvious to provide a seal formed by a hollow pipe with terminal end faces opposed to each other, by modifying Panayides et al to split the seal thereof.

It is respectfully pointed out, however, that Atsumi et al does not contain a teaching that split seals in general provide a better seal. Instead, Atsumi et al is directed to a very specific problem of sealing a location where a branch pipe is connected to another pipe as shown in Fig. 8 thereof. According to Atsumi et al, a structure is provided that includes split seal members to provide a better seal at the specific point where a branch pipe is connected to another pipe.

Thus, it is respectfully submitted that no general teaching that "split seal members provide a better seal" can be drawn from Atsumi et al.

In addition, it is respectfully submitted that the structure being sealed by Atsumi et al (namely, a branch pipe connection) and the structure being sealed by Panayides et al (namely, a helicopter door) are so different that there would be no reason and/or no motivation to apply the structure-specific teachings of Atsumi et al to the seal disclosed by Panayides et al.

It is respectfully submitted, moreover, that even if there were motivation to split the seal of Panayides et al at some position along the length thereof, the resultant structure would not be a pipe having a hollow cross-section in a cross-section perpendicular to an axial direction of the pipe and two terminal-end faces at opposite axial ends of the pipe, wherein the terminal-end faces of the pipe are brought into close contact with each other and waterproofing is effected.

That is, Panayides et al discloses using three linear elongated seals to seal the door periphery shown in Fig. 3 thereof. See column 3, lines 59-64 and column 4, lines 53-65, of Panayides et al, which discloses multiple seal segments 18, 18a and 18 provided at the left, top and right sides (28, 33 and 29, respectively) of a helicopter door.

Accordingly, if any one of the seals 18 or 18a was split as suggested by the Examiner, the result would be two linear seals provided in line with each other, instead of the one linear seal disclosed by Panayides et al. That is, it is respectfully submitted that even if the seal disclosed by Panayides et al were split, the terminal-end faces at opposite axial ends of the split seal would not be brought into contact with each other, in the manner of the claimed present invention as recited in clarified independent claim 1.

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In view of the foregoing, it is respectfully submitted that the present invention as recited in independent claim 1 and claims 2, 3, 7 and 8 depending therefrom clearly patentably distinguishes over Andersen et al, Panayides et al and Atsumi et al, taken singly or in any combination consistent with the respective fair teachings thereof, under 35 USC 102 as well as under 35 USC 103.

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the

undersigned at the telephone number given below for prompt
action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

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